

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mark Latimer,

Civ. No. 09-3108 (RHK/JJK)

Plaintiff,

ORDER

v.

State of Minnesota, Minnesota Department of Corrections, Minnesota Department of Human Services,

Defendants.

In a December 8, 2009, Report and Recommendation, Magistrate Judge Jeffrey J. Keyes has recommended, inter alia, that the instant action be summarily dismissed pursuant to 28 U.S.C. § 1915A(b). Plaintiff has filed what the Court construes as Objections.

The undersigned has reviewed de novo the Report and Recommendation and Defendant's Objections thereto and concludes that the recommendations of Judge Keyes are fully supported by the record before him and applicable legal precedent. Accordingly, **IT IS ORDERED:**

1. Defendant's Objections (Doc. No. 6) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 5) is **ADOTPED**;
3. Plaintiff's application for leave to proceed in forma pauperis (Doc. No. 3), is **DENIED**;
4. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b);
5. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the full \$350, in accordance with 28 U.S.C. § 1915(b)(2); and

6. The dismissal of this action is counted as a “strike” against Plaintiff for purposes of 28 U.S.C. § 1915(g).

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: March 8, 2010

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge